1951 K **File No.** O. Hydrabad Enclave/51

Legal Dept.

A BRANCH

Subject:— Opinions under the Indian and Hydrabad (Exchange of Enclaves) Order 1950

File No. O. Hydrabad Enclave/51

Gen. 194 a

776-A

C O N T E N T S.

Legal Department File No. O. Hyderabad Enclave/51

Sr. No.	R.I./O.No.	Subject	Pages.
		Opinions under the India and Hyderabad (Exchange of Enclaves), order 1950	
1	17389 3-11-1951	Transfer of pending criminal cases from the villages transferred to Hyderabad State to Hyderabad Courts.	1-4

SMR 21-6-56
5 Copies.

LEGAL DEPARTMENT.

R.I.No. 21832/20-10-1951.

Submitted.

In his letter at p. 171 ante, the D.M. Ahmednagar, has reported that a case is pending in the Court of the Resident Magistrate, First Class, Karjat, against Shir Z.G.Bhalerao, talathi of the village of Shirasmarg in respect of misapp ropriation of Government money while he was work ing as a talathi of the village during the period 9-10-1947 to 29-1-1948. The village Shirasmarg has now been transferred to the Hyderabad State under the India and Hyderabad(Exchange of Enclave) Order, 1950; and it appear that in view of the orders of Government in P.& S.D. letter No. 2755/46/11184-F dated the District Magistrate to the High Court for orders but no orders have been received by him. The District Magistrate considers that in this particular case the talath is being prosecuted for an offence committed by him in his official capacity and, therefore, he presumes that it is not necessary to transfer the case to the Hyderabad State or to stay the procee dings till instructions are received from the Hyderabad Govt. He has however requested instruc tions. He also wants instructions whether other police cases from the villages transferred to the Hyderabad State which are pending in the Courts in this State should be withdrawn. The P.& S.D. states that the Hyderabad State has since issued a notification under the Hyderabad Absorbed Encla ves Act, 1951,and that under that notification the District Magistrate would be required totransfer all pending cases to the Hyderabad Courts in accor dance with its provisions. The R.L.A. is requeste

to advise whether the view taken by the P.& S.D. is correct.

SMR 22-6-5
4 Copies.

Office of the R.L.A.

The view taken by the Political and services Department is correct.

Id./..... 3/11

Remembrancer of Legal Affairs.

U.R. to P.& S.D. No. 17389, dated the 3rd November 1951.

SWR 22-6-56
4 Copies.